G. R. S. 59

GPB—15,000—20 12-13

GENERAL AND REVENUE SECRETARIAT.

1897-8
~~191~~ .

(9)

(Separate Revenue)

File No. 59 of 1897-8

Serial Nos. /

Papers Filed.

Month August 1897

SUBJECT.

Amendments to the Arrack and Toddy Rules

Withdrawn Memo Nazarayanan
30 Ellaloosuriya

PREVIOUS REFERENCES.

Sec. 58 of 1897-1

LATER REFERENCES.

Correspondence
Minute 16/4/14

S.R. 579 1897-8

REVENUE DEPARTMENT
1897 No. 175
SEP 97

From

The Excise Commissioner
in Mysore

To

The Secretary to Govt. of Mysore.

General and ~~Revenue~~ Dept.s

S.R. 579-1897-8

Serial No 1

Dated 30 " August 1897

Despatched 2 September

Received

General No. 1884
No. 106

Enclosure No. 3

In reply to Government Proceedings No. 2357-58 Ex 84 dated 28th August 1897.

SUBJECT.

Submits for approval and publication a draft notification embodying certain amendments in the Arrack and Toddy Rules, so as to be able to revise the sales confirmed by Deputy Commissioners.

References (to be entered only in the Dewan's Office.)

Rules to 3rd Ref

13-9-97

Approved. Submit to the Govt. If a rule as to one suggested is not thought desirable the instructions may be sent to the Ex. Commr. and to keep the confirmation of sales in cases of heavy losses without consulting the Ex. Commr. Ex. Commr may however recall in cases where they think that such re-sales are prejudicial to Govt. Revenue. There is nothing to prevent them themselves from framing present rules.

16-9-97

Examined
Rs 3/9/97
Submitted with reference
Subject to the Secs
8/9/97

8/9/97

8/9/97

Excise Commissioner's O'
Bangalore, dated 30th N.
2nd Rcpt.

No. 1886 / 106 Exc: 3 From

The Excise Commissioner
in Mysore

To

The Secretary to the Government of Mysore
General and Revenue Departments

Sir,

In acknowledging the receipt of Government Proceedings No. 2357-58 / Ex 84, dated 28th August 1897, I have the honor to state that with a view to enable the Abkari Commissioner in the Madras Presidency to interfere with the sales confirmed by Collectors, the sentence relating to the confirmation of the sales of toddy, arrack and drug shops by Collectors, is worded as follows:-

"Such formal confirmation (by Collectors)
"will be tantamount to an acceptance
"of the bid, unless revised by the Board
"of Revenue for special reasons."

When I went to Madras last time, I ascertained that although as a rule confirmations of Sales

by Collectors are not interfered with power is retained to revise on special occasions for special reasons. as is seen from the wording of a copy of the Madras Government notification herewith submitted. I am of opinion that if our rules also be similarly worded the present inconvenience or difficulty would be removed. Accordingly I beg to submit the accompanying draft notifications for approval and publication.

I have the honor to be,

Sir,

Your most obedient servant

M Duncan Jr

Excise Commissioner

in Mysore.

Government Order G

Draft Notification.

The Government of Mysore are pleased to direct that the following amendment be made in part I of Toddy Rules published under Government Notification No 11813 / R. F. 233-92, dated 14th January 1893:-

For the Sentence.

"such formal confirmation will be
"tantamount to an acceptance of the
"bid", in para 1 of Rule V substitute
the following

"Such formal confirmation will be
"tantamount to an acceptance of
"the bid, unless revised by the ~~Excise~~
"~~Commissioner~~ of the Government
"for special reasons.

By order

Secretary

M Muniswamy

Excise Commissioner
in Mysore.

102

Draft Notification.

The Government of Mysore are pleased to direct that the following amendment be made in Part II of Arrack Rules, published under Government Notification No. Camp 371, dated 12th March 1897:-

For the sentence -

"such formal confirmation will be tantamount to an acceptance of the bid," in para 1 of Rule XXI, substitute the following

"Such formal confirmation will be tantamount to an acceptance of the bid unless revised by the Excise Commissioner or the Government for special reason

By order

Secretary.

M Krishnaraj

Excise Commissioner

in Mysore.

18

SALT, ABKARI AND CUSTOMS DEPARTMENT.

NOTIFICATION.

No. 15, *dated* 10*th July* 1897.

NOTICE OF SALE OF TODDY SHOPS UNDER THE TREE-TAX SYSTEM.

I. Notice is hereby given that the number of shops for the sale of toddy during the twelve months beginning October 1, 1897, and ending September 30, 1898, in the districts noted in the margin, will be notified by the Collectors in their District Gazettes, and that the right of selling toddy in each of those shops will be put up to public auction at the upset monthly prices, on the dates, at the places and by the officers named by the Collectors, subject to the conditions hereinafter set forth. The limits within which the shops may be established will also be notified by the Collectors, and purchasers will be allowed to open their shops in any place approved by the Tahsildar within those limits.

Districts.
Ganjam.
Vizagapatam
Nellore.
Cuddapah.
Anantapur.
Bellary.
Kurnool.
Chingleput (except Saidapet taluk included in the Madras Town Circle)
North Arcot.
South Arcot.
Tanjore.
Trichinopoly.
Madura.
Tinnevelly.
Coimbatore.
Salem.

II. Each bidder shall deposit at least Rs. 20 previous to bidding. This deposit will entitle him to bid for shops paying a rental of Rs. 40 per mensem and under. Should, during the course of the sale, he desire to bid larger amounts he must increase his deposit correspondingly up to a limit of Rs. 50. Deposits, if tendered, will be received at any time within three days previous to the date of sale.

III. The shops will be knocked down to the highest bidder above the * reserve price, subject to formal confirmation of the Collector, who shall be at liberty to accept or reject any bid at his discretion. Such formal confirmation will be tantamount to an acceptance of the bid, unless revised by the Board of Revenue for special reasons, and will be necessary whether the sale be held by the Collector himself or by any officer appointed by him. No party will be allowed to bid for another unless he holds a power of attorney from him. In case of dispute the selling officer's decision shall be final. If for any reason the highest bid is rejected, the next highest shall be taken or the shop resold at his discretion.

IV. The officer conducting the sale may, at his discretion, refuse to allow any person to bid on the ground that he has been convicted by a Criminal Court or has previously been guilty of such a breach of the conditions of a license or of a contract under the Abkári Act, as, in his opinion, renders him undesirable as a holder of a license.

V. As soon as possible after the auction is completed, the deposits made by the unsuccessful bidders will be returned to them. As the auction proceeds, the person whose bid is accepted for each shop shall at once, if so required by the selling officer, or otherwise at the close of the day's sale deposit a sum equal to half a month's rent for that shop in addition to the deposit required under clause II above. Should he fail to do so, the deposit made by him under clause II will be forfeited, the shop will be put up again on the above conditions, and he will be debarred from bidding again for the same or for any other shop.

VI. Persons to whom shops have been knocked down and who have made deposits as provided in clauses II and V shall also, within seven days from the date of the auction, deposit such further sum as with the former deposits will make up an amount equal to two months' rent of each shop knocked down to them, and shall execute the necessary engagements and take out licenses on the conditions

* Upset prices are not to be regarded as reserve prices. They are fixed merely to save time at the sales by preventing the bidding from starting too low. The reserve prices will not be notified by the selling officers.

hereinafter set forth. Should the initial deposit exceed two months' rent, the excess will be refunded to the successful bidder unless he is required to deposit four months' rent under clause VII *infra*.

VII. If on enquiry subsequent to sale, but before formal confirmation thereof, the purchaser shall be found to be of doubtful solvency, he may be required to deposit twice the sum prescribed in clause VI *supra*, or to get a surety or sureties to execute a security bond for the due payment of all moneys that may become due by him under the terms of the contract. The bond shall be stamped (article 28, schedule I, Act I of 1879) and registered at the expense of the renter if the amount secured exceeds Rs. 1,000.

VIII. On the failure of any person to make deposit under clause VI or to comply with the requisition under clause VII *supra*, or to execute engagements and take out licenses as aforesaid, the deposits made under clauses II and V will be forfeited and the shop or shops will be resold or otherwise disposed of at the discretion of the Collector.

IX. Re-sales effected under clause VIII will be at the risk of the defaulting bidder, who will forfeit all gain, and, in the event of a loss will make good the deficiency between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the successful bidder at the re-sale. In the latter case the forfeited deposits will be deducted from the loss arising from the re-sale, and the remainder, if any, will be recovered from the bidder in the same manner as if it were an arrear of Land Revenue. Should, however, the forfeited deposits be greater than the loss by re-sale, the whole of such deposits will be credited to Government. The defaulting bidder will be similarly liable if the privilege is disposed of otherwise than by re-sale and such disposal results in loss to Government as compared with the original sale.

X. Purchasers at the auction sales or re-sales shall not be permitted to sell, transfer or sub-rent their privilege or any portion thereof at will without the consent of the Collector, who will be at liberty to refuse to sanction it. Nor shall they, if the Collector so orders, appoint any persons to act as their agents in the management of their privilege without previously obtaining the Collector's approval of the agents.

XI. The purchaser of the privilege is liable to the penalties prescribed for breaches of the conditions set forth below, though a formal license may not have been issued to him.

CONDITIONS.

1. The privilege conferred extends only to the sale of toddy.

2. The amount for which the privilege is purchased shall be payable in equal monthly instalments into a Government treasury on or before the fifteenth day of each month, beginning with October 1897. If the deposit made by the licensee under clause VI *supra* be in cash, it will be taken in payment of the instalments due in the last two or four months of the lease as the case may be. If the deposit is in Government promissory notes or Postal Savings Bank deposits which the licensee wishes to retain, they will be returned to him on payment of the whole of the rental due by him, otherwise they will be sold or disposed of in any other manner and the amount realized taken towards the payment of the instalments due in the last two or four months of the lease, any balance still due being recovered as if it were an arrear of Land Revenue.

3. The licensee may draw the toddy he requires for sale, or may have it drawn, under separate tree-tapping licenses to be obtained under the rules relating to the tree-tax system published by Government, from toddy trees within the tract in which the shop is situated or in any other tract in which the rates of tree-tax are not lower, subject to the discretion of the officer concerned in the matter of granting transport permits. He may also purchase it from any other licensed toddy shopkeeper within those tracts subject to the same discretion; but no toddy, except that which is the produce of cocoanut, palmyra, date, or sago trees, for the tapping of which a license has been issued under the rules above-mentioned shall be kept in the shops, offered for sale, or sold by the licensee. Provided that he shall not sell any toddy unless he has taken out a tree-tapping license under the said rules and that he shall take this out and open his shop within a reasonable period to be determined by the Collector.

4. The license confers no right to the free use of any trees. If the shopkeeper wishes to tap private trees he must make his own arrangements for so doing with the owners thereof and pay tree-tax thereon at the prescribed rates; if Government trees he must abide by the rules prescribed in this behalf by the Land Revenue authorities. In the majority of districts Government trees of the full size may be tapped by any licensee on payment of the tree-tax *plus* a fee of 4 annas per tree. In the rest the usufruct of such trees including the right to allow the trees to be tapped on payment of tree-tax by persons duly licensed will be otherwise disposed of and the licensee must make his own arrangements with the renters of the trees or the persons who enjoy the right to the usufruct.

5. The licensee shall be responsible to Government for all payments of instalments of fees due on account of tree-tapping licenses granted on his application in his own name or in the names of his nominees under the conditions set forth therein and in the rules relating thereto.

6. (i) Failing payment of any of the instalments of shop rent or tree-tax hereinbefore mentioned the Tahsildar will immediately proceed to recover the arrears due in any of the methods prescribed by section 28 of the Abkári Act. If it be decided to re-sell the privileges, the Tahsildar will suspend the defaulter's license and issue notice of re-sale and will re-sell them on the day fixed, with effect from the date of the issue of license to the new purchaser. In that case the deposit will be applied to cover arrears due and the loss, if any, by such suspension and re-sale, and if it should be more than sufficient to do so, the balance will be forfeited. If, however, the deposit should fall short of the arrears due and the loss by resale, the licensee will be responsible for the difference.

---

* In the Bellary and Kurnool districts the licensee will be allowed to sell toddy imported from His Highness the Nizam's Dominions on payment of one anna per gallon. Toddy shop keepers in districts adjoining the Mysore territory will also be allowed to tap trees in Mysore for the supply of toddy to their shops on payment of tree tax in British Treasuries.

(ii) The conditions of the re-sale shall as far as possible be the same as those of the original sale.

(iii) If the Collector does not confirm the re-sale, he may make such other arrangements as may appear advisable for the remainder of the lease and the defaulter will still be held responsible for any loss. The Collector shall in such cases serve a notice on the defaulting licensee informing him of the nature of the arrangements made.

(iv) Any sum due by the licensee under the foregoing clauses of this condition shall be collected under Act II of 1864. No remission or abatement of the rent shall, on any account whatever, be claimable by the licensee

(v) The licensee shall also, if so required by the Collector, deliver up to the Collector his license and all the tree-tapping licenses which shall have been granted on his application.

7. The licensee shall place the license granted to him in a conspicuous place in the shop which shall be located in a decent shed or building but not in the same premises with a depôt or shop for the sale of other kinds of intoxicants than toddy. The room or rooms used for the shop shall always be separate from the shopkeeper's dwelling-house, whether they be under the same roof or not. If there is a door of communication between the shop and any adjoining premises, it must be kept locked at night. The licensee shall not sell or keep for sale toddy at any other place than that specified in the license except in other duly licensed shops

8. The licensee shall fix in a conspicuous part of the front of his shop a signboard on which his name, the number of his license, and the price of the toddy sold by him shall be legibly inscribed in the vernacular language of the district or part of the district in which the shop is situated.

9. The licensee shall maintain a sufficient supply of toddy in his shop, which shall be kept open every day when trees from which it is supplied are yielding.

10. The licensee shall prevent all drunkenness or disorder or gaming within his shop, and shall not allow persons suffering from leprosy or other contagious diseases to conduct sales or to transport toddy for sale in his shop.

11. The licensee shall not harbour robbers or thieves or riotous persons, but shall give intimation to the nearest Magistrate or Police officer as to any such persons who may resort to his shop.

12. The licensee shall not receive any grain, jewels, goods, wearing apparel, or other property in barter or in pawn for toddy, but, on the offer of any such, shall give information to the nearest Magistrate or Police officer; nor shall he sell any toddy on credit.

13. The licensee shall not allow any quantity of toddy exceeding three reputed quarts (one half of a gallon) or such other quantity as may be prescribed for any local area, to be removed by any individual at one time from his shop, on any pretence whatever, without a valid permit.

14. The licensee shall not open his shop, before sunrise nor keep it open after 9 P.M., unless the Collector shall generally or specially authorize his doing so, nor harbour any one in the shop during the night.

15. The licensee shall not sell or give any toddy to any European non-commissioned officer or private or soldier, or to any European or Eurasian camp-follower, or to any member of the families of any of the aforesaid persons, without the permission in writing of the Commanding officer or of some person duly authorized by him in that behalf; nor to any European or Eurasian sailor; nor to any sepoy, member of the Police Force, Salt, Abkári and Customs officer, or servant of a Railway Company whilst on duty; nor to any European vagrant under escort of the Police: nor to any child under twelve years of age for consumption on the premises.

16. The Collector may direct that the shop, if situated on, or adjacent to, the line of march, shall be closed while a regiment or detachment of European or native soldiers is passing or is encamped in the vicinity. It shall also be competent to the Collector to permit transfers of shops from one locality to another within the notified limits or to direct shops to be closed on grounds of Police administration or expediency.

17. The licensee shall furnish such returns and information as may from time to time be required by the Collector and shall carefully and regularly file all special permits with which toddy is received and the counterfoils of the permits issued by him if authorized by the Collector in this behalf and produce them for the inspection of the Collector or of any Abkári officer not below the rank of Sub-Inspector. The licensee shall also at his cost maintain intact an inspection note-book with the pages numbered consecutively so that officers inspecting the shop may enter their remarks therein. The note-book shall be handed over to the Inspector of the Circle or any officer authorized by him to receive it at any time on a receipt being given therefor.

18. The distillation of spirits from toddy is absolutely prohibited

19. No ingredients noxious to health shall be put into the toddy nor shall anything be added to it either to increase its intoxicating power or for any other reason.

20. The licensee shall not sell toddy for less than four annas per gallon, or one pie per dram.

21. The licensee shall not possess or use any measures other than those that may from time to time be prescribed by Government under section 29, clause *(e)*, of the Madras Abkári Act, 1886, and shall have such measures tested and stamped at his own expense by the stamping establishments of the district, if the Collector shall so direct.

22. No foreign liquors or spirits manufactured in the country or country beer or any other liquor than toddy shall be kept or sold in shops maintained under this license. Nor shall ganja, opium or other similar intoxicant be kept or sold in the shop. Nor shall sweet toddy even if it be the produce of marked trees on which tree-tax has been paid be kept or sold in the shop.

23. Except with the permission of the Collector, the licensee shall not sell, transfer or sub-rent his privilege. Nor shall he, if the Collector so orders, appoint any person as his agent for the management of his privilege without previously obtaining the Collector's approval of the agent

24. Interest upon all moneys due by the licensee shall be payable at the rate of six per cent. per annum

25. All sums payable by the licensee may be deducted from the amount of his deposit, or recovered by the attachment and sale of his property under any law for the time being in force for the recovery of arrears of Land Revenue.

26. Any sums deducted by the Collector under the powers herein contained from the deposit made by the licensee as security for the performance of the contract shall be replaced by the latter within

fifteen days from the receipt of a notice from the Collector informing him of such deductions having been made.

27. In case of any breach of the conditions of the license, either by the licensee or by any person in his employment, it shall be competent to the Collector to impose upon the licensee a fine not exceeding the sum of Rs. 10 for every such breach of such conditions, or, at the option of the Collector, to declare the money or Government promissory notes or Postal Savings Bank deposits deposited with him forfeited and to cancel the license and re-sell the privilege at the risk of the licensee, and all loss thereby caused shall be made good by the licensee. It shall be lawful for the Collector to deduct the amount of all fines imposed under this clause from any sums deposited by the licensee as security for the due performance of the conditions of the license, or to realize the amount of such fines by the disposal of any or all of the Government promissory notes or Postal Savings Bank deposits deposited by the licensee. When a lease is cancelled, the rent for the whole lease shall become due at once.

28. The imposition of a fine or the forfeiture of deposit or the cancellation of license under the last preceding condition shall not be held to prevent the prosecution of any person for any offence which may be committed against the provisions of the Madras Abkári Act, 1886, or other law for the time being in force and relating to the Abkári Revenue.

29. If the licensee shall be convicted on prosecution before a Magistrate of any offence against the Madras Abkári Act, 1886, or other law for the time being in force and relating to the Abkári revenue, it shall be lawful for the Collector to declare his license forfeited. If the licensee shall be convicted under the Indian Penal Code, such conviction will render him liable to forfeiture of his license, if the offence of which he is convicted be such as, in the Collector's opinion, renders him unfit to hold it. If the license is forfeited under this condition the privilege shall be re-sold or otherwise disposed of at the risk of the licensee.

30. If it comes to the knowledge of the licensee that any person employed by him in the drawing or carriage or sale of toddy commits any breach of the Abkári laws, it shall be the duty of the licensee to report the matter to the Collector and to comply with the directions of the Collector respecting the continued employment of such person. The licensee shall not employ persons convicted under the Indian Penal Code in the carriage or sale of toddy without the Collector's permission to be previously obtained in each case.

31. The Collector reserves to himself the right to grant "occasional licenses" for the sale of toddy on the occurrence of fairs, festivals, &c., in places in the vicinity of which there are no regularly licensed shops. Such licenses shall, however, be granted to shopkeepers who usually supply the locality and their period shall not exceed ten days, and the fee to be paid therefor shall be fixed at the discretion of the Collector.

32. The licensee shall not have pecuniary dealings of any kind whatever with any of the officials of the Salt, Abkári and Customs Department.

33. The licensee shall be bound by such additional general rules as may be prescribed under the Abkári laws existing at present or which may hereafter be enacted, and shall, on requisition by the Collector or other officer duly authorized by him, deliver up his license for amendment or for the issue of a fresh license accordingly.

FORM OF SCHEDULE TO BE PUBLISHED BY THE COLLECTORS.

Name of taluk.	Locality of shops.	Upset price.	Place of sale.	Date and hour of sale.	Officer by whom sale will be conducted.	Remarks.
		Rs. A. P.				

Board of Revenue (Separate Revenue),
Madras, 10th July 1897.

C. G. TODHUNTER,
Ag. Secretary.

MADRAS: PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS.